

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STEVE SNYDER-HILL, *et al.*,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:18-cv-00736-MHW-EPD

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs submit the attached opinion from the First Circuit Court of Appeals as supplemental authority. *See* Exhibit 1 (*Ouellette v. Beaupre*, 977 F.3d 127 (1st Cir. Oct. 7, 2020)). *Ouellette* held that a plaintiff's claim against a *police department* did not accrue in the 1980s when the police *officer* sexually abused him, because a jury could reasonably conclude that, at the time plaintiff was abused, he had no "reason to suspect that the [police department] was not doing its job, or worse, that it was covering up [the abuser's] conduct." *Id.* at 143 (reversing grant of summary judgment). The First Circuit held that, unlike an FTCA case where an employer is liable under *respondeat superior*, under § 1983 (like Title IX), a "constitutional tortfeasor's employment with a municipality or supervision by a superior state officer does not, on its own, give rise to a 'complete and present' § 1983 cause of action." *Id.* at 140. *Ouellette* provides further support that Plaintiffs did not have "complete and present" Title IX claims against OSU for the university's deliberate indifference until Plaintiffs knew or should have known of OSU's role in enabling Dr. Strauss's abuse. *See also* Dkt 133 (Pl. Opp.) at 15 n.1 (citing cases holding that the same federal accrual rule applies to both Title IX and § 1983).

Dated: Columbus, OH
November 13, 2020

Respectfully submitted,

By: /s/ Scott Smith, with email permission to
Debra L. Greenberger

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document was filed and served, via the Court's CM/ECF system on November 13, 2020, on all counsel of record.

By: /s/ Debra L. Greenberger
Attorney for Plaintiffs